

1 WO

KAB

2  
3  
4  
5  
6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
8

9 Justin Robert Escalera,  
10 Plaintiff,

No. CV 19-04934-PHX-MTL (JFM)

11 v.

**ORDER**

12 Corizon Health Incorporated, et al.,  
13 Defendants.  
14

15 Plaintiff Justin Robert Escalera, who is currently confined in the Arizona State  
16 Prison Complex-Eyman, brought this civil rights action pursuant to 42 U.S.C. § 1983.  
17 (Doc. 1.)

18 In a July 15, 2020 Order, the Court granted summary judgment in favor of  
19 Defendant Centurion. (Doc. 125.) In a September 18, 2020 Order, the Court denied  
20 Defendant Corizon's Motion for Summary Judgment and referred this matter to a  
21 Magistrate Judge to conduct a settlement conference. (Doc. 135.)

22 On September 29, 2020, Plaintiff filed a Motion requesting that the Court reconsider  
23 its Order granting summary judgment in favor of Defendant Centurion in light of the  
24 Court's Order denying Defendant Corizon's Motion for Summary Judgment, which  
25 Plaintiff refers to as "newly discovered evidence." (Doc. 139.) Plaintiff also reiterates  
26 many of the arguments made in response to Defendant Centurion's Motion for Summary  
27 Judgment.  
28

1           The Court will ordinarily deny a motion for  
2 reconsideration of an Order absent a showing of manifest error  
3 or a showing of new facts or legal authority that could not have  
4 been brought to its attention earlier with reasonable diligence.  
5 Any such motion shall point out with specificity the matters  
6 that the movant believes were overlooked or misapprehended  
7 by the Court, any new matters being brought to the Court's  
8 attention for the first time and the reasons they were not  
9 presented earlier, and any specific modifications being sought  
10 in the Court's Order. No motion for reconsideration of an  
11 Order may repeat any oral or written argument made by the  
12 movant in support of or in opposition to the motion that  
13 resulted in the Order. Failure to comply with this subsection  
14 may be grounds for denial of the motion.

15 LRCiv 7.2(g)(1).

16           "Absent good cause shown," a motion for reconsideration must be filed "no later  
17 than fourteen (14) days after the date of the filing of the Order that is the subject of the  
18 motion." LRCiv. 7.2(g)(2).

19           Plaintiff's Motion for Reconsideration is untimely because it was not filed within  
20 fourteen days of the Court's Order granting summary judgment in favor of Centurion.  
21 Moreover, contrary to Plaintiff's assertion, the Court's denial of summary judgment to  
22 Defendant Corizon is not "newly discovered evidence" and has no bearing on Plaintiff's  
23 claims against Defendant Centurion, which were based on different facts than the facts  
24 alleged against Defendant Corizon. Plaintiff asserts no basis for the Court to reconsider its  
25 prior Order, but rather repeats the arguments the Court already considered when ruling on  
26 Defendant Centurion's Motion for Summary Judgment.

27           For all of the foregoing reasons, Plaintiff's Motion seeking reconsideration (Doc.  
28 139) will be denied.

**IT IS ORDERED:**

(1)   The reference to the Magistrate Judge is withdrawn as to Plaintiff's "Motion  
for Relief from the Summary Judgment Decision Granted by the Court in Favor of  
Defendant Centurion of Arizona, LLC" (Doc. 139).

Dated this 30th day of October, 2020.

Michael T. Liburdi  
United States District Judge